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### **Publication Review Board Author Appeals Process**

The Publications Review Board process allows authors to appeal determinations made by the Board to a higher authority in the Agency (the ADDCIA). In order to do this, the author must clearly state that s/he is appealing the Board's decision (usually after requesting a reconsideration from the Board), and supplies supporting documentation of some sort. The PRB does not have any requirements as to what this documentation should be. Authors usually provide research material they used in writing a manuscript. Appeals typically only go forward when the author and the Agency have reached an impasse on whether or not the material in question is actually classified or not. Once the decision has been made to forward an appeal to the ADDCIA, there are several steps that must be followed:

1. OGC must be brought into the picture. OGC's role is to write a legal memo and the letter that the ADDCIA will sign. It is important to bring OGC into the process early so their timeline will fit with PRB's and the author's.
2. The lead reviewer must write a memo (see PRB 17075-09 for an example) stating PRB's position (usually to uphold the PRB's determination). This memo will consist of the following parts:
  - a. Action Requested – what we are asking the ADDCIA for
  - b. Background – a short overview of the case, including letters or emails exchanged by the PRB and the author, in order to establish a timeline and to document the process and the outcome of any conversations. Additionally, this section will contain the PRB's justification for continuing to uphold the objection, and the author's reasoning as to why it is no longer classified. There should also be an assertion on the part of the PRB that component equity holders agree with the PRB's position. This section may be several paragraphs long.
  - c. Recommendation – The PRB's recommendation to the ADDCIA.
  - d. List of Attachments - Include copies of all correspondence referred to in the Background portion of the memo. These are to be noted as "Attachment A," "Attachment B," etc. List all attachments at the end of the memo thus:

**Attachments:**

- A. Author's Formal Appeal
- B. "Title of Manuscript"
- C. PRB initial objection letter, Dated
- D. Author Request for Reconsideration, Dated
- E. PRB second objection letter, Dated



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F. D/Component concurrence, LN, Dated  
 (Where you see "author" use author's name, where you see "dated" use the date the letter or memo was sent. Alter, delete, and add to this list as required for your specific appeal)

- e. Signature page – The choices given to the ADDCIA will depend upon the case, but in most cases it will be to either affirm or reject the PRB's decision. The ADDCIA will check the line that he is choosing and sign and date the memo.
- f. Distribution list – A list of everyone receiving a copy of the appeal packet. This will include the ADDCIA, the CIO, the director(s) of the equity holding components, Main OGC, D/IMS, any IMS lawyers involved with the appeal, and the C/PRB. The ADDCIA must return the original packet to the C/PRB so copies can be made and distributed for files and the author will receive the original letter with the ADDCIA's signature.
3. Legal Memo – The head of OGC will write a memo in support of PRB's decision in order to demonstrate the legality of upholding the determination in court. If the decision PRB has made is not legally defensible, PRB needs to reconsider whether or not to allow the appeal to go forward.
4. Executive Correspondence Routing Sheet – On the front of the folder, attach a filled out form 4468 (available in the Agency Forms Repository). This form should be filled out as follows:
  1. Origination Office: CIO/IMS/IRRG/PRD
  2. Date: Date the appeal is going to make the rounds
  3. From: Name of C/PRD
  4. Room/Building: Current office of PRD
  5. Phone: C/PRD's secure line
  6. Originating Office Control #: PRB number
  7. Justification/Summary: Check off PRIORITY, and write why (ie: "PRB requests priority handling to ensure author will not take inappropriate action prior to formal ADD decision.").
  8. Coordination: CIO, OGC, Equity holding components (fill in NCS, DS, etc. as necessary)
  9. Routing list: In order should be  
 CIO – FYI  
 D/Component – FYI  
 SDGC – Concur  
 DAC  
 ADD – Signature  
 DAC
5. Put everything in a folder, using lettered dividers in order to make finding sections easier, and coordinate with the C/PRD as to the next steps. Usually the D/IMS and the CIO are briefed before the packet moves forward. Component feedback should have already been solicited to include in the appeal packet, so

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Directors should be aware that they will be receiving this packet, and the decision for which PRB is requesting support.

6. Once the appeal is complete, and the packet is returned to PRD, make a copy of the final letter and send it to the author. Make copies of the packet to distribute to all concerned for their files. The original goes in the author box in the IRRG file room.

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